

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

BRUCE CHARLES, on behalf of himself	*	CIVIL ACTION NO.:
and all other similarly situated prisoners	*	5:18-CV-00541-EEF-MLH
at David Wade Correctional Center,	*	
	*	JUDGE ELIZABETH E. FOOTE
	*	
and	*	
	*	
The ADVOCACY CENTER,	*	
	*	USMJ MARK L. HORNSBY
PLAINTIFFS,	*	
	*	
VS.	*	CLASS ACTION
	*	
JAMES M. LEBLANC, <i>et al.</i> ,	*	
	*	
DEFENDANTS.	*	

**PLAINTIFFS’ SUR-REPLY TO DEFENDANTS’ SUR-REPLY ON PLAINTIFFS’
SECOND MOTION FOR LEAVE TO AMEND**

Plaintiffs’ seek leave to clarify a point made by the Defendants. Defendants conflate the initial determination of standing with an exception to the doctrine of mootness.

To determine whether Mr. Brooks has standing, the relevant analysis from *McLaughlin* is that the class representatives in the amended complaint had standing at the time that they were added by the new pleading. *Cty. of Riverside v. McLaughlin*, 500 U.S. 44, 51 (1991). Mr. Brooks has standing today and had standing on March 22, 2019 when Plaintiffs sought leave to amend.

The question now before the Court is the initial standing determination, not a subsequent mootness analysis. The “inherently transitory” rule is an exception to the doctrine of mootness which preserves a party’s ability to litigate a claim when subsequent events, after the filing of the complaint, would ordinarily deprive that party of standing. *Cty. of Riverside v. McLaughlin*, 500

U.S. at 52; *Genesis Healthcare Corp. v. Symczyk*, 569 U.S. 66, 76 (2013). In the absence of a dispute on mootness, the “inherently transitory” rule is not relevant to this litigation at present.

Respectfully submitted by Plaintiffs on this 25th day of April, 2019 through undersigned counsel.

/s/ Jonathan C. Trunnell

Jonathan C. Trunnell, La. Bar No. 36956, T.A.
Sarah H. Voigt, La. Bar No. 18483
Melanie Bray, La. Bar No. 37049
Ronald K. Lospennato, La. Bar No. 32191
Advocacy Center
8325 Oak Street
New Orleans, LA 70118
504-708-1460
504-507-1956 (fax)
jtrunnell@advocacyla.org

/s/ Katie M. Schwartzmann

Katie M. Schwartzmann, La. Bar No. 30295
Bruce Hamilton, La. Bar No. 33170
ACLU Foundation of Louisiana
P.O. Box 56157
New Orleans, La 70156
Telephone: (504) 522-0628
Facsimile: (504) 613-5611
kschwartzmann@laaclu.org

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been served on the Defendants the 25th day of April, 2019, by utilization of this Court’s CM/ECF system.

/s/ Jonathan Trunnell

Jonathan Trunnell